

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

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|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 3:21-cr-00019-HDM-CSD |
| |) | |
| vs. |) | |
| |) | MINUTES OF COURT |
| GAIL MANNEY, |) | |
| |) | |
| Defendant. |) | February 22, 2023 |
| | / | |

PROCEEDINGS: EVIDENTIARY HEARING RE: DEFENDANT'S MOTION FOR NEW TRIAL (ECF NO. 102)

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Court Reporter: Kathy French

Counsel for Plaintiff: Megan Rachow, AUSA

Counsel for Defendant: Kate Berry, AFPD and Chris Frey, AFPD

At 9:52 a.m., the Court convenes.

The Defendant (on bond) is present with counsel. Christian Filipiak, APFD Investigator, is also present at counsel table with AFPD Sean McClelland.

The Government's counsel is present with Joshua Caron, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

The Court addresses a preliminary matter regarding information received by the Jury Administrator on Friday, February 17, 2023, relating to contact of a trial juror's spouse by a Federal Public Defender Investigator.

On behalf of the Government, Ms. Rachow invokes the rule of exclusion.

Amy Pierce, Esq., Partner, Lewis Brisbois, acting as personal counsel for Witness Ryan Ress for purposes of these proceedings, introduces herself to the Court. The Court presents statements regarding Witness Ress' testimony this date.

RYAN RESS, called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Ms. Berry, examined by the Court, and excused.

IT IS ORDERED that the Government's Exhibits 1a and 1b are received into evidence.

The Government rests.

**USA v. GAIL MANNEY
3:21-cr-00019-HDM-CSD**

**February 22, 2023
Page 2 of 2**

At 10:57 a.m., the Court stands at recess.

At 11:12 a.m., the Court reconvenes. All parties are present.

IT IS ORDERED that the Defendant's Exhibits 502 and 503 are received into evidence.

Ms. Berry advises the Court that the Defendant will call no witnesses this date and will instead proceed with argument on the Defendant's Motion for New Trial (ECF No. 102).

Ms. Berry presents argument.

Ms. Rachow presents argument.

At 11:30 a.m., the Court recites findings and conclusions.

**IT IS ORDERED that the Defendant's Motion for New Trial (ECF No. 102) is DENIED.
IT IS SO ORDERED.**

The Court addresses the current Sentencing date of Wednesday, March 1, 2023 at 9:00 a.m. Ms. Berry states the parties have discussed a brief continuance of the Sentencing. The Court and counsel confer.

IT IS ORDERED that the Sentencing currently set for Wednesday, March 1, 2023 at 9:00 a.m. is VACATED and RESET for Tuesday, March 28, 2023 at 11:00 a.m. in Reno Courtroom 4 before Judge Howard D. McKibben. IT IS SO ORDERED.

The Defendant is continued on all present terms of release.

At 11:54 a.m., the Court adjourns.

DEBRA K. KEMPI, CLERK

By: /s/ Paris Rich
Deputy Clerk